

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Donnell Shamond Kearney,

Petitioner,

v.

U.S. Marine Presidents,

Respondent.

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Case No.21-cv-1789 PJS/ECW

**ORDER**

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated August 17, 2021, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. To the extent Kearney seeks habeas relief, this matter be **DISMISSED WITHOUT PREJUDICE** for failure to comply with the Rules Governing Section 2255 Proceedings and improper venue.
2. To the extent Kearney seeks to bring a civil action, this matter be **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(A).
3. Plaintiff Kearney's application to proceed *in forma pauperis* (Dkt. 2) be **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 9/17/21

s/Patrick J. Schiltz  
PATRICK J. SCHILTZ  
United States District Judge